

## SENTENCING M E M O R A N D U M

SENTENCING COMMITTEE MEMORANDUM NO. 1 - Sentencing to KEY or Greentree programs.

TO: Superior Court Judges

DATE: February 15, 2007

The sentencing committee submits the following information and recommendations concerning sentencing to KEY and Greentree:

1. In order to allow sufficient time for classification, waiting, and program completion, a sentence to Level 5 KEY or Greentree which is to be suspended upon successful completion of the program should not be imposed unless the defendant has 18 months or more of Level 5 time available.

2. Where the intent is to get the defendant straight into the program (eligibility and availability issues remain), the sentence language should be as follows:

“X years at Level 5 Key (or Greentree). Upon successful completion of Key (Greentree), the balance of the Level 5 sentence is suspended for...”.

3. Where the judge wants some Level 5 time to be served prior to consideration of entry in Key or Greentree, the sentence language should be as follows:

“(X) years at Level 5; after completion of (Y) years, the defendant shall be eligible for Key (Greentree). Upon successful completion of Key (Greentree), the balance of the Level 5 sentence is suspended for...”.

4. Where there is a statutory minimum sentence and the judge expects DOC to place the defendant in Key or Greentree at such a time that the Level 5 portion of the sentence would be finished so that this defendant gets to Level 4 CREST without returning to the general Level 5 population, the sentence language should be as follows:

(For Robbery first degree, for example). “Six years at Level 5; after serving three years and upon successful completion of Key (Greentree), the balance of the Level 5 sentence is suspended for...”.

5. Points:

- a. Before sentencing to either of these programs, check for any other current sentences or pending matters. If there is an outstanding Level 5 sentence to be served, that will be served before Key or Greentree.
- b. DCC has Greentree but does not award “programmatic” good time for it. SCI,

however, does.

- c. Gander Hill (HRYCI) has Key.
- d. DCC does not have Key.

